

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:11-CR-59
)	(VARLAN/SHIRLEY)
HERBERT LYNN JONES,)	
)	
Defendant.)	

ORDER

This criminal case is before the Court for consideration of the Report and Recommendation entered by United States Magistrate Judge C. Clifford Shirley, Jr., on December 29, 2011 (the "R&R") [Doc. 21]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51. In the R&R, Magistrate Judge Shirley recommends that defendant's motion to dismiss the indictment [Doc. 15] be denied.

After a careful review of the R&R, the Court is in agreement with Magistrate Judge Shirley's recommendation, which the Court hereby adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 21] and Defendant's Herbert Jones's Motion to Dismiss the Indictment [Doc. 15] is hereby **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE